

**REAL ESTATE BOARD  
MINUTES  
MADISON, WISCONSIN  
March 28, 2002**

**PRESENT:** Richard Hinsman, Harold (Hal) Lee (by telephone), James Imhoff, Jr., Richard Kollmansberger, and Maria Watts

**EXCUSED:** Rebecca Dysland and Nancy Gerrard

**STAFF PRESENT:** Cletus Hansen and William Black, Legal Counsel; Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Richard Staff, WRA

**CALL TO ORDER**

The meeting was called to order at 10:36 a. m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

**AGENDA**

Colleen Baird requested that the Board briefly discuss the following issues: unlicensed practice cases, administrative warnings and the 10-day screening letters. The Board discussed these issues, agreeing that there should be some flexibility regarding actions taken for unlicensed practice and agreeing that, if a licensee fails to respond to three 10-day letters, an investigative file should be opened.

**MOTION:** Richard Kollmansberger moved, seconded by Hall Lee, to adopt the agenda, as amended. Motion carried unanimously.

**MINUTES (2/29/02)**

**MOTION:** Richard Kollmansberger moved, seconded by Richard Hinsman, to approve the minutes, with a revision that indicates that Hal Lee will return to Wisconsin for the May meeting, rather than the April meeting. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Clete Hansen**

- **Board Roster**

Clete Hansen informed the Board that Governor Scott McCallum has nominated Peter Sveum to replace Jim Imhoff after his term ends on June 30, 2002.

Hal Lee said he would be returning to Wisconsin in time for the May meeting.

- **Meeting Dates for 2002**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

The folder contained a copy of the Case Status Report. It was routed to Board members.

## **LEGISLATION**

### **Update re: Legislation That Relates to Real Estate**

Jim Imhoff announced that the WRA discontinued its effort to have its designated agency proposal introduced this session. Imhoff and Hansen said that they would like to include information about agency requirements in the next issue of the Regulatory Digest.

Rick Staff informed the Board that there is still a bit of hope for getting legislation on electronic commerce in the Budget Repair Bill.

## **REPORT OF THE REAL ESTATE LAW REVIEW COMMITTEE**

Board members acknowledged that the March meeting was cancelled. Committee members agreed to meet at approximately 12:30 a.m. on April 25, 2002, which is the date of the next Board meeting and which will follow the Board meeting.

## **REPORT OF THE COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS**

The Board discussed the minutes of the Council meeting of February 28, 2002. The Board noted that the contents of the broker's exam will be revised, as well as the contents of the pre-license education, as listed in the administrative code. Board members also noted that a committee has been appointed by Casey Brown in the Office of Education and Examinations for the purpose of

reviewing the contents of the salesperson's exam. Finally, the Board discussed whether commercial brokers should be given more flexibility regarding the types of continuing education courses they can attend. Several board members suggested that commercial brokers should be required to attend some of the currently-required courses.

#### **MISCELLANEOUS CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

None over and above those already made to the Board.

#### **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

DOE prosecutors were available to present two stipulations; however, the Board had no questions and no oral presentation was made.

#### **RECESS TO CLOSED SESSION**

**MOTION:** Richard Kollmansberger moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss case closings and the Case Status Report, two proposed stipulations, and an administrative warning. Motion carried unanimously by a roll call vote: Richard Kollmansberger - yes; Jim Imhoff - yes; Harold Lee - yes; Maria Watts - yes and Richard Hinsman - yes.

Open Session recessed at 11:18 p. m.

Two copies of the Division of Enforcement Case Status Report were made available to Board members.

The Board deliberated on case closings, stipulations, and an administrative warning. Final voting on these issues was conducted in Open Session.

#### **RECONVENE IN OPEN SESSION**

**MOTION:** Hal Lee moved, seconded by Maria Watts, to adjourn the Closed Session and to reconvene in Open Session. Motion carried unanimously.

The Open Session reconvened at 11:45 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **CASE CLOSINGS**

**MOTION:** Richard Hinsman moved, seconded by Maria Watts, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

00 REB 144	98 REB 192
01 REB 084	99 REB 014
01 REB 100	

### **STIPULATIONS**

#### **BHW, Inc., and Gary H. Baillargeon (New Richmond, WI)**

**MOTION:** Richard Kollmansberger moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving BHW, Inc., and Gary H. Baillargeon. Motion carried unanimously.

#### **Dusan Matic (Kenosha, WI)**

**MOTION:** Hal Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Dusan Matic. Motion carried unanimously.

### **CONSIDER CLOSING DISCIPLINARY INVESTIGATION WITH ADMINISTRATIVE WARNING**

#### **James W. Prouty**

**MOTION:** Richard Hinsman, seconded by Richard Kollmansberger, to issue an administrative warning to James W. Prouty. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Maria Watts moved, seconded by Richard Hinsman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:50 p.m.